

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

<p>INSITUFORM TECHNOLOGIES, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>AMERICAN HOME ASSURANCE COMPANY,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. 04-10487 GAO</p>
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**AMERICAN HOME ASSURANCE COMPANY’S
MOTION TO STAY DISCOVERY**

Pursuant to Fed. R. Civ. P. 26, Local Rule 26.3 and this Court’s inherent power to stay proceedings for prudential reasons (see Microfinancial, Inc. v. Premier Holidays Int’l, Inc., 385 F.3d 72, 77 (1st Cir. 2004)), defendant American Home Assurance Company (“American Home”) hereby moves to stay discovery pending the disposition of American Home’s motion for summary judgment on Count I (Breach of Contract) and Count II (Declaratory Judgment) of the Complaint of plaintiff Insituform Technologies, Inc. (“Insituform”).

In support of this motion, American Home states that it filed a Motion for Summary Judgment on August 24, 2006, the resolution of which in American Home’s favor would resolve all of Insituform’s remaining claims; that the remaining discovery is not necessary to the disposition of the issues addressed American Home’s Motion for Summary Judgment; that requiring the parties to proceed with discovery in light of American Home’s potentially dispositive Motion for Summary Judgment would cause the parties to incur unnecessary fees and costs and be a waste of judicial resources; and that, by contrast, a limited stay of discovery while

the Court considers American Home's Motion for Summary Judgment would not unduly delay a trial, would save the parties substantial costs and expense, and could streamline or clarify legal issues remaining for trial, if any.

In further support of this motion, American Home relies upon its memorandum, incorporated herein by reference.

REQUEST FOR RELIEF

WHEREFORE, American Home respectfully requests that the Court:

1. Grant its Motion to Stay Discovery until the Court decides American Home's Motion for Summary Judgment. Such a stay would take effect immediately and would dissolve upon the Court's resolution of American Home's Motion for Summary Judgment. If necessary, both parties would have two months following the dissolution of the stay in which to complete discovery; and
2. Grant such other further relief this Court deems just and appropriate.

LOCAL RULE 7.1(A) CERTIFICATION

By signing below, the undersigned certifies that he has conferred in good faith with counsel for plaintiff in a good faith effort to resolve or narrow the issue presented by this motion.

Respectfully submitted,

AMERICAN HOME ASSURANCE COMPANY,

By its Attorneys,

/s/ Gregory P. Deschenes

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Dated: August 24, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 24, 2006.

/s/ Gregory P. Deschenes

Gregory P. Deschenes